

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
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FAX (414) 286-8550

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HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 18, 2002

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees for Police Officers Christopher Marshall, Anthony Randazzo, Jonathan Witkowski and Bradley Buddenhagen; C.I. File No. 01-S-272-6; ELO No. 1650

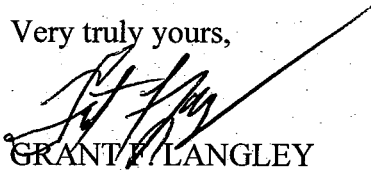
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Christopher Marshall, Anthony Randazzo, Jonathan Witkowski and Bradley Buddenhagen. The claim is in the amount of \$1,283.93 including \$7.93 in disbursements for 11.60 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 2, 2001

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
200 East Wells Street, Room 800
Milwaukee, WI 53202

RE: MPD Criminal Investigation of POs Christopher
Marshall, Anthony Randazzo, Jonathan Witkowski and
Bradley Buddenhagen
Allegations Regarding Mr. Andre Ward
Date of Incident: February 20, 2001
Location of Incident: 2719 West Fairmount
ELO No.: 1650

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest after a pursuit.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Marshall, Randazzo, Witkowski and Buddenhagen to give a statement concerning the incident after issuing a PI-21.

Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Attorney at Law

11/14/02
O.K.
JAS
Letter

JC/ldl
MARRAND

2276

CITY OF MILWAUKEE
2001 AUG -6 PM 3:34
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2001 AUG -6 PM 3:14
OFFICE OF
CITY ATTORNEY

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414)276-8750
FAX(414)276-8906

August 2, 2001

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Mr. Andre Ward
Regarding: POs Christopher Marshall, Anthony Randazzo,
Jonathan Witkowski and Bradley Buddenhagen
Date of Incident: February 20, 2001
Location of Incident: 2719 West Fairmount

Professional services

	<u>Hours</u>
02/20/01 Several telephone calls from clients; telephone call to and from IAD; open file.	0.80
02/21/01 Telephone call to and from from PO Marshall.	0.50
02/22/01 Telephone call from PO Marshall; telephone call to and from PO Randazzo; memo to file.	0.40
02/26/01 Telephone call to and from PO Marshall; receive and review various reports; office conference with PO Marshall; receive and review MPD rules and procedures regarding force; telephone call to and from PO Randazzo.	1.10
02/27/01 Telephone call to PO Randazzo.	0.20

	<u>Hours</u>	
02/28/01 Telephone call to PO Randazzo; telephone call to IAD.	0.20	
03/01/01 Telephone call to and from PO Randazzo; memo to file; telephone call to IAD; review of file; meeting with PO Marshall at IAD; attend PO Marshall's PI-21; travel; memo to file.	2.10	
03/13/01 Review of file; meeting with POs Witkowski and Buddenhagen at IAD; attend PI-21 statements of POs Witkowski and Buddenhagen; memos to file; meeting with PO Randazzo; attend PO Randazzo's PI-21 statement; travel; memo to file.	3.50	
03/29/01 Telephone call to and from IAD.	0.40	
04/10/01 Telephone call to and from PO Balistreri; review of file; meeting with PO Balistreri at IAD; attend PO Balistreri's PI-21 statement; travel; memo to file.	1.50	
04/24/01 Receive and review closed criminal file; letter to clients; close file.	0.40	
05/07/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	11.60	\$1,276.00

Mr. Ronald D. Leonhardt

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Additional charges:

Amount

05/07/01 MPD Open Records request

7.93

Total costs

\$7.93

Total amount of this bill

\$1,283.93

Balance due

\$1,283.93

(Rate: \$110.00 per hour through 12/31/1998)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division
Monday, March 26, 2001

SUMMARY

IN THE MATTER OF: CIU#01-054 - BATTERY
 P.O. CHRISTOPHER MARSHALL, PR#62250
 P.O. ANTHONY RANDAZZO, PR#59427
 P.O. THOMAS BALISTRERI, PR#60299
 DISTRICT #7 - LATE POWER
 P.O. JONATHAN WITKOWSKI, PR#65192
 P.O. BRADLEY BUDENHAGEN, PR#63220
 STREET CRIMES - LATE

TO: DALE T. SCHUNK
 POLICE COMMANDER

SIR:

This report was dictated by Lieutenant of Detectives Mary Hoerig, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Early Shift.

ALLEGATION:

The complainant, Andre M. WARD, alleges that unknown Milwaukee police officers struck him in the head and body with their fists causing him pain and injury.

INVESTIGATION:

Detective Michael CARLSON did meet with Sgt. Ivory BRITTON on Tuesday, February 20, 2001 at District seven in regards to an alleged battery complaint. Sgt. BRITTON explained that P.O. Christopher MARSHALL and P.O. Kevin EYRE became involved in a high speed pursuit of a vehicle, in which the complainant had been an occupant. P.O. MARSHALL did pursue Andre WARD on foot from the sight of where the vehicle crashed. Officer MARSHALL attempted to apprehend the subject at which time the subject struck Officer MARSHALL twice in the head with a closed fist causing Officer MARSHALL to deliver focused strikes and use O.C. on the subject to get him into custody.

SUMMARY
CIU# 01-054
PAGE 2

Andre WARD was interviewed by Detective CARLSON at which time he confirmed the statement given above. He states that the officer struck him in the face and sprayed him several times with O.C. spray. He states that the officer then put him in handcuffs and again hit him in the jaw while he was still on the ground. He goes on to state that he was struck several times in the back of the head and kicked in the left side of the body. WARD states as he was being taken to the squad car that he was again hit several times by other officers walking him to that location. Sgt. BRITTON indicated that the other officers listed in this complaint were members of the other squads that had responded to the chase.

On Tuesday, February 20, 2001 a charge of Battery to Police Officer was issued against Andre WARD by the Milwaukee County District Attorney's office. All other officers indicated in this complaint refused to make a statement without legal counsel present.

CONCLUSION:

Deputy District Attorney Jon REDDIN on Tuesday, March 20, 2001 reviewed this case at which time he declined any charges against the officers, stating that he could not find any criminal action on the part of the officers. This case is cleared as warrant refused.

Respectfully submitted:

Mary K. Hoerig
Mary K. HOERIG
Lieutenant of Detective s
CIU/IAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: PO. CHRISTOPHER MARSHALL
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City,
indicating the attached was provided with legal services arising out
of one of the following situations:


- 1) An incident occurring on FEBRUARY 20, 2001
- 2) A citizen's complaint made by ANDRE WARD
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO


Did you receive legal representation
in this matter?

YES X NO

Your signature: 

Print your name: CHRISTOPHER MARSHALL

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.


STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

01 SEP 29 PM 9:04

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: PO. ANOTHONY RANDAZZO
DISRTICT TWO

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City,
indicating the attached was provided with legal services arising out
of one of the following situations:

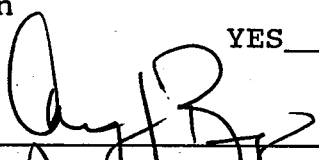
- 1) An incident occurring on FEBRUARY 20, 2001
- 2) A citizen's complaint made by ANDRE WARD
- 3) A police shooting incident occurring on

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: 

Print your name: Anthony J. Randazzo

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.


STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

RECEIVED
01 SEP 24 AM 10:12
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: PO. JONATHAN WITKOWSKI
SOB TEU

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City,
indicating the attached was provided with legal services arising out
of one of the following situations:

- 1) An incident occurring on FEBRUARY 20, 2001
- 2) A citizen's complaint made by ANDRE WARD
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: *PO Jonathan Witkowski*

Print your name: PO JONATHAN WITKOWSKI

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven M. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: PO. BRADLEY BUDDENHAGEN
SOB TEU

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City,
indicating the attached was provided with legal services arising out
of one of the following situations:

- 1) An incident occurring on FEBRUARY 20, 2001
- 2) A citizen's complaint made by ANDRE WARD
- 3) A police shooting incident occurring on

Is this information correct?

YES ✓ NO


Did you receive legal representation
in this matter?

YES ✓ NO

Your signature: PO Bradley Budden

Print your name: PO BRADLEY BUDDENHAGEN

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.


STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp